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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,782	04/30/2001	Bret L. Howell	TE2-090	4357

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[REDACTED] EXAMINER

HYEON, HAE M

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

2839

DATE MAILED: 12/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/845,782	HOWELL ET AL.	
	Examiner	Art Unit	
	Hae M Hyeon	2839	
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>			
Period for Reply			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.			
<ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 			
Status			
1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>04 March 2002</u> .			
2a) <input type="checkbox"/> This action is FINAL. 2b) <input checked="" type="checkbox"/> This action is non-final.			
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.			
Disposition of Claims			
4) <input checked="" type="checkbox"/> Claim(s) <u>1-28</u> is/are pending in the application.			
4a) Of the above claim(s) _____ is/are withdrawn from consideration.			
5) <input type="checkbox"/> Claim(s) _____ is/are allowed.			
6) <input checked="" type="checkbox"/> Claim(s) <u>1-28</u> is/are rejected.			
7) <input type="checkbox"/> Claim(s) _____ is/are objected to.			
8) <input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.			
Application Papers			
9) <input checked="" type="checkbox"/> The specification is objected to by the Examiner.			
10) <input checked="" type="checkbox"/> The drawing(s) filed on <u>30 April 2001</u> is/are: a) <input type="checkbox"/> accepted or b) <input checked="" type="checkbox"/> objected to by the Examiner.			
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).			
11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner.			
If approved, corrected drawings are required in reply to this Office action.			
12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.			
Priority under 35 U.S.C. §§ 119 and 120			
13) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).			
a) <input type="checkbox"/> All b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of:			
1. <input type="checkbox"/> Certified copies of the priority documents have been received.			
2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.			
3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).			
* See the attached detailed Office action for a list of the certified copies not received.			
14) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).			
a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.			
15) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.			
Attachment(s)			
1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)		4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____	
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)	
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 .		6) <input type="checkbox"/> Other: _____	

DETAILED ACTION***Oath/Declaration***

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration believes the named inventor **or inventors** to be the original and first inventor **or inventors** of the subject matter which is claimed and for which a patent is sought.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “111” has been used to designate both **spool and guide framework**. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance (See paragraphs [0054]-[0056]).
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “334a” has been used to designate both **flanged surface and first transverse facing surface**. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance (See paragraphs [0055]).
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “350a” has been used to designate both **first outward edge and side surface**. A proposed drawing correction or corrected drawings are required in reply to the Office

action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance (See paragraphs [0058] and [0060]).

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "333" and "343" have both been used to designate **the outwardly facing curve surface**. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance (See paragraphs [0055]).

Specification

6. The disclosure is objected to because of the following informalities: Paragraph [0054], line 6 recites, "guide frame 111," but line 11 recites, "guide framework 111." The terminology for the same element should be consistent through out the present specification. Appropriate correction is required.

Claim Objections

7. Claims 2, 4, 21, 25 and 26 are objected to because of the following informalities:

- The abbreviations "FC" and "SC" recited in claims 2 and 4 require a full terminology.
- In claim 21, line 3, change "the framework" to -- the tray framework."
- If "the framework" recited in claim 25, line 7 is the same as "the holder framework" recited in line 3, then the examiner suggests the applicant to change "the framework" in line 7 to -- the holder framework -- because the same element should have the same terminology consistently for easier understanding. Claim 26 line 3 also has the same problem.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

9. Claims 23-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Claim 23 recites the limitation "the framework" in line 5. There is insufficient antecedent basis for this limitation in the claim.

It is not clear what is the framework since the instant invention describes a tray framework in claims 1-22 and a holder framework in claims 24-25.

11. Claim 24 recites the limitation "the framework" in line 3. There is insufficient antecedent basis for this limitation in the claim.

It is not clear whether the framework recited in line 3 is the holder framework recited in line 9 since the instant invention describes a tray framework and a holder framework.

Claim Rejections - 35 USC § 102

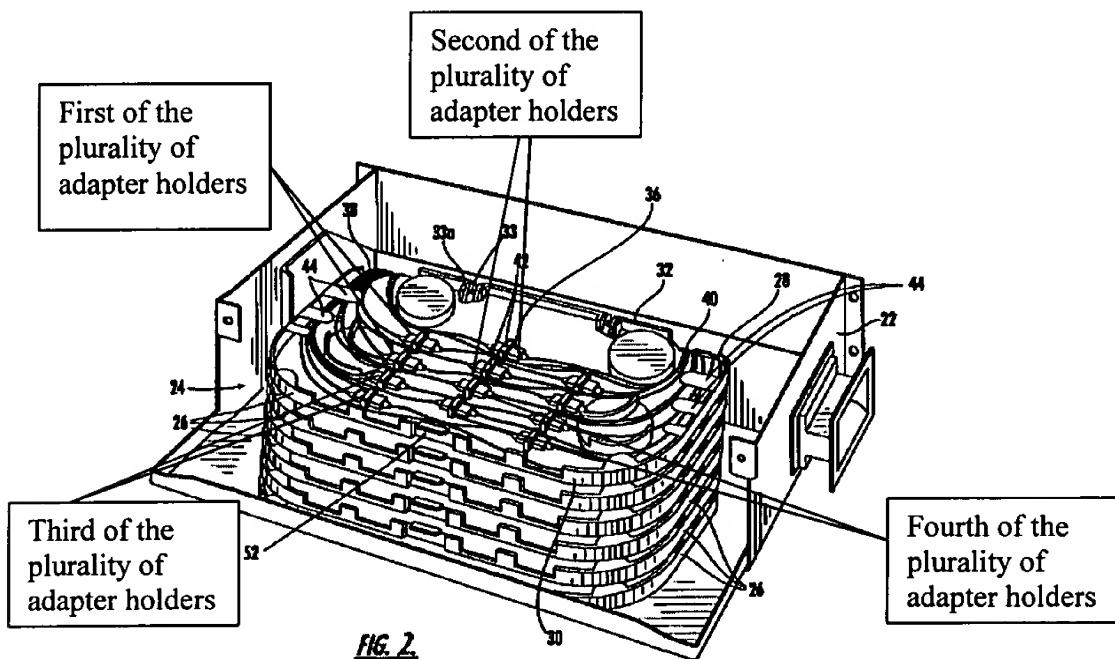
12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1, 10, and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Allen (6,009,224).

Allen discloses a fiber optic cable connector tray system 20 comprising a tray framework 26 having a first end, a second end, a first side and a second side; a plurality of adapter holders 42 having a first adapter mount area for receiving a first adapter 36, a second adapter mount area for receiving a second adapter 36, and a fiber optic cable passageway between the first adapter mount area and the second adapter mount area; and a transversely oriented cable storage area 24 on the tray framework 26. A first and a third of the plurality of fiber optic cable adapter holders is mounted to the tray framework 26 offset from a second and a fourth of the plurality of adapter holders, respectively. Fiber optic cables attached to adapters on the first and third of the plurality of adapter holders pass through the passageways on the second and fourth of the plurality of adapter holders, respectively.



Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 2-4 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of the admitted prior art in the present specification paragraphs [0028] to [0029].

Claims 2-4 recites that the adapter holders are configured to receive at least sixteen or twenty-four FC-type adapters or to receive SC adapters. While Allen does not disclose specific types of the adapter 36, the present specification states that FC-type or SC adapter is already known in the art.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the adapter holder taught by Allen such that it would receive FC-type adapter or SC adapter as taught by the instant invention because it only deals with modifying the holder to receive one of the known adapters.

In regarding to the number of adapters that the adapter holders to receive and claim 18, these only deal with a duplication of parts. It has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

16. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of Harvey et al (6,227,718).

While claim 6 recites that the plurality of adapter holders being slidably mounted to the tray framework, the reference by Allen does not state the specific way to mount the adapter holder 42. However, Harvey discloses a plurality of adapter holders 12 having a dovetail extension 22 on a bottom of the adapter holder 12 that slidably mounts to a match dovetail slot 20 on a show 16, which is fixedly mounted on a bracket 14 of a tray framework 10. Therefore, the adapter holders 12 can be easily mounted or dismounted from the tray framework 10. Harvey also teaches that the adapter holders 12 can be mounted on the tray framework 10 using glue, fasteners, etc (see column 2, lines 48-65).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the adapter holder taught by Allen such that it would be mounted slidably on a tray framework as taught by Harvey because it is easy to mount or dismount the adapter holder onto the tray framework. Furthermore, it only deals with a method of mounting the adapter holder, which does not affect the function of the adapter holder. Also, different methods of mounting an object are known and available in the art.

17. Claims 6-9, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of Puetz (5,946,440).

Claims 6 and 7 recite that the plurality of adapter holders are slidably mounted to the tray framework and a plurality of base apertures in a base of the tray framework adjacent to the plurality of adapter holders for providing access to the plurality of adapter holders through the base. The reference by Allen does not state the specific way to mount the adapter holder 42 and the base of the tray framework 26 does not have a plurality of base apertures.

Puetz discloses a tray framework 170 comprising a plurality of adapter holders 180 slidably receives an adapter 182 and a plurality of apertures 246 formed adjacent to the adapter holders 180 through the base of the tray framework for accessing the adapter holder area.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the tray framework taught by Allen such that it would have slidably mounting adapter and a plurality of apertures formed adjacent to the adapter holders through the base of the tray framework as taught by Puetz in order to provide easy access to the adapter holder area to easily mount or remove the adapters.

In regarding to a mount angle recited in claims 8 and 9, Allen mounted the adapters 36 on the tray framework with a wider side of the adapter 36 facing the base of the tray framework. On the other hand, Puetz mounted the adapters 182 on the tray framework with a narrower side of the adapter 182 facing the base of the tray framework. In view of the adapter 36 of Allen and the adapter 182 of Puetz, if the adapter 182 of Puetz is viewed as the adapter 182 mounted on the base in ninety degrees to the base, the adapter 36 of Allen can be viewed as the adapter 36 mounted on the base in zero degree to the base. If the adapter 36 of Allen is viewed as ninety degrees mount, then the adapter 182 of Puetz can be viewed as zero degree mounts. Since one of the adapters is mounted in zero degree, the mount angle of the zero degree adapters has a mount angle less than ten or ninety degrees. Furthermore, the instant invention does not provide any reason or a specific problem to be solved by having a mount angle less than ninety degrees or ten degrees. Therefore, it is an obvious design alternative to provide a desired mount angle for the adapter holders.

18. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of Jenkins et al (5,870,519).

While claims 11 and 12 recite a pivotally mounted splice housing above a cable storage area of the tray framework, Allen does not disclose a splice housing. However, Jenkins discloses a splice tray 110 pivotally mounted on a tray framework 10 for accommodating optical fibers above a cable storage area 21.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the tray framework taught by Allen such that it would have a pivotally mounted splice tray as taught by Jenkins to accommodate optical fibers.

19. Claims 19 and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of Hultermans (5,542,015).

Allen discloses a tray framework comprising a plurality of adapter holders having a first adapter mount area, a second adapter mount area and a fiber optic cable passageway between the first adapter mount area and the second mount area. A first one of the plurality of adapter holders is mounted offset from a second one of the plurality of adapter holders. However, Allen does not disclose the first and second adapter holders, each having an alignment guide in the mount area to be inserted into an aperture in each adapter, respectively and a latch for securing each adapter to the respective adapter mount area.

Hultermans discloses an adapter holder 204 comprising an alignment guide 284 inserted into an aperture 110 in an adapter 102 and a latch 291 for securing the adapter 102 in the adapter holder 204.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the adapter holder taught by Allen such that it would have alignment guide and a latch as taught by Hultermans to properly align a fiber optic cable of the adapter and to securely mount the adapter within the adapter holder.

In regarding to FC-type adapter recited in claims 19 and 23-27, the same rejection applied to claim 2 in the above paragraph 15 applies here, too.

20. Claim 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen and Hultermans as applied to claims 19 and 21-27 above, and further in view of Puetz.

Claim 20 recites the same limitation as claim 7 and claims 21-22 recite the same limitations as claims 8-9. Therefore, the same rejections applied to claims 7-9 in the above paragraph 17 also apply to claims 20-22. Thus, the examiner will not repeat the rejection.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 5,097,529 by Cobb et al., US Patent No. 5,542,015 by Hultermans, US Patent No. 5,835,660 by Jung et al. and US Patent No. 6,443,627 B1 by Anderson et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hae M Hyeon whose telephone number is 703-308-4802. The examiner can normally be reached on Mon.-Fri. (8:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D Feild can be reached on 703-308-2710. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Art Unit: 2839

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Hae M Hyeon
Examiner
Art Unit 2839

hmh hmh
December 16, 2002

Hae moon Hyeon